THE

CASE

OF THE

Hon. ALEX. MURRAY, *Esq;*

In an APPEAL to the

PEOPLE

OF

GREAT BRITAIN;

More particularly,

The INHABITANTS of the City and Liberty of *Westminster.*

Old Men will out-live the Shame of losing Liberty, and young Men will arise who know not that it ever was. A Spirit of Slavery will oppress the Spirit of Liberty, and seem at least to be the Genius of the Nation. Such too it will become in time, when Corruption has once grown to this height, unless the progress of it can be interrupted.

Letters on Patriotism.

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THE CASE

Of the HONOURABLE

ALEXANDER MURRAY, *Esq;*

WHATEVER Air of Importance a Perſon may appear to aſſume by thinking his particular Hardſhips a proper Object of the public Attention; yet there are Inſtances, wherein the public and private Intereſts are ſo intimately connected, that to let the latter paſs unnoticed, would imply a tacit Reſignation of the former. Upon this Principle, *the Caſe of Mr.* MURRAY may, without any Imputation of Vanity, be deem'd worthy the Conſideration of his fellow Subjects; for though *he* alone may, hitherto, have felt the Weight of the *Puniſhment*, it is not known how ſoon *they* may experience the fatal Effects of

of the *Precedent*,—a Precedent founded on the moſt open Violation of the Conſtitution, the moſt daring Proſtitution of Power, and in Defiance of thoſe Laws provided for the Security and Welfare of a free People.

But what renders this Appeal, from a Sentence of the Repreſentatives to the candid Judgment of their Conſtituents, ſtill more neceſſary, is, the peculiar Induſtry that has been practiſed, to impoſe upon the Public *a falſe Repreſentation* of the Offence; in order if poſſible to juſtify the unexampled Barbarity of the Proſecution. For whatever may have been the Pretence of vindicating the Honour and Dignity of *a particular Houſe* it will too plainly appear, that greater Regard has been had to ſupport the private Pique, and perſonal Reſentment of a certain *turbulent Stateſman*; whoſe Ambition impatient of Controul, and whoſe Avarice abhorrent of Expence, determined him to offer up ſome exemplary Sacrifice to his *devoted Thouſands*, and an impious Oppoſition to his *all-ſovereign Command*.

In order to trace this Torrent of Perſecution againſt Mr. *Murray* to its Source, it will be neceſſary to obſerve, that at the laſt general Election, this *moſt noble Perſon*, though poſſeſſed of a Seat in *one* Houſe, undertook (contrary to the very Eſſence of a *Britiſh* Parliament) to thruſt a certain Member into the *other*. And arrogating

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to himſelf the abſolute Diſpoſal of the Votes and Conſciences of a whole City, iſſued out his *Lordly Conge d'Elire* for the Election of a near *Relation*; but being apprehenſive, the young Candidate's Reputation might not be ſufficiently eſtabliſh'd in the Opinion of the Electors, thought proper to attone for this Deficiency of Merit, by tacking to him *a Gentleman* whoſe Honour and public Services would have ſecured him the general Suffrages of a grateful People, had he depended upon his own ſeparate Intereſt. But many of the honeſt Citizens, ill-brooking this *heterogeneous Conjunction*, nominated Sir *Thomas Clarges*, and Sir *Thomas Dyke*; in ſupport of whom, and in Oppoſition to our *d---l Leviathan*'s Relation, Mr. *Murray* was diſobedient enough to engage.

The Poll was ſcarce begun, when according to the *Bloomſbury* Maxim for preſerving the Freedom of Elections, a Body of *Brick-ſtreet* and *Hockley* Regulators were muſter'd in *Covent-Garden* to preſerve the Peace, by the efficacious Diſcipline of *Club-Law*, and which indeed was ſo vigorouſly put in Execution, as to procure the utmoſt Tranquility by the happy Expedient of driving the Pollers for *Clarges* and *Dyke* intirely from the Huſtings; but not ſatisfied with the *Garden Victory*, theſe triumphant Mercenaries purſued the Enemy to their Intrenchments at the

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Lebeck's Head Tavern, which, with the utmoſt Difficulty, they were by the Aſſiſtance of the *Peace Officers* prevented from forcing; and notwithſtanding Sir *Thomas Clarges* told them he was a Juſtice for *Weſtminſter*, and threaten'd to read the Proclamation, they ſtill continued their outrageous Attack. That Gentleman, having obſerved one *Brown* a Butcher very alert in ſpiriting on the Aſſailants, caus'd him to be ſeiz'd, and upon the fulleſt Information and Affidavits of ſeveral Perſons, he had bruiſed and wounded, committed him to *Bridewell*.—A Hero who had ſo eminently diſtinguiſhed his Proweſs in ſupport of the *d*——*l* Party, it is to be preſumed, was not long ſuffer'd to remain in ſhameful Durance; but being ſoon bailed, the whole Artillery of *Weſtminſter-Hall* was drawn forth: An Information againſt the worthy Magiſtrate for falſe Impriſonment, another againſt Mr. *Murray* for an Aſſault upon *Brown*'s Servant, and no leſs than twelve Actions againſt the High-Conſtable and others, open'd the legal Campaign. And it muſt be confeſs'd, the Attack from theſe judicial Batteries was ſupported with great Vivacity and Fury; but, by the Interpoſition of an *honeſt Jury*, was happily prevented from doing any other Execution than plentifully availing the Profeſſors of the Law, by the pecuniary Subſidies which ſuch a Variety of Proſecutions muſt have rendered neceſſary, and

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at whoſe Inſtigation and Expence carried on, was at that Time no Secret to the Public. —— It may not be improper to obſerve, that *Brown*'s Servant, who ſwore Mr. *Murray* knock'd him down, apply'd to him afterwards, expreſſing his Concern at having been prevailed upon to perjure himſelf, and implored Forgiveneſs, which was granted him upon owning his Offence and declaring his Sorrow for it. From the Time of this *notable Action* Mr. *Murray* may date the Commencement of his Perſecution, being then mark'd the deſtined Victim of our *parliamenteering D—'s Reſentment.*

The Influence of the *Argumentum Bacculinum* was found too powerful to prevent his Relation's Return to Parliament; where, in the Courſe of two or three Seſſions, he ſo eminently diſtinguiſhed himſelf in his legiſlative Capacity, that it was thought the Adminiſtration could do no leſs than reward his moſt *dutiful* Services, with ſome lucrative Employment. But the Apprehenſion of loſing ſo uſeful a Member, delayed for ſome Time this Act of miniſterial Gratitude, till at length, his *moſt noble Patron* engaged at the Riſque of his Reputation and Fortune, to replace him in that *Seat* he had ſo *worthily* fill'd, and which by the Acceptance of a Place muſt neceſſarily become vacant. Upon this Aſſurance, behold him placed at the Head of our *naval Affairs*,

fairs, and returning to ſolicit a Re-eſtabliſhment in that *public Truſt*, which (without the Conſent of his Conſtituents) he had already abandoned for his private *Emolument*. A Majority of Electors, apprehending that the double Capacity of *Admiral* and *Senator* might poſſibly furniſh too laborious Employment for the "ſlimſy Tex-"ture of ſo delicate a Brain," reſolved to relieve him from the Fatigue of the latter, by oppoſing his Re-election and manifeſting their Reſentment at the Behaviour of his Supporter, who had officiouſly become their *parliamentary Godfather*, and undertaken *to promiſe and vow* in their Names.—Hence Sir *George Vandeput* was nominated a Candidate, by the greateſt Number of Inhabitants ever known to have aſſembled on the like Occaſion, among whom Mr. *Murray* was not the leaſt zealous, both on the Principle of public Liberty and private Friendſhip.

Sir *George* receiving Advice that the Agents of his Competitor, according to their uſual laudable Cuſtom, had iſſued out Commiſſions for raiſing the *bruiſing Regiment*; it was thought neceſſary to engage ſome Gentlemen of Faſhion and Character to poſt themſelves in *Covent Garden*, in order to put a Stop to any Riot that might ariſe from the Violence of theſe broomſtick Electioneerers, and among the reſt Mr. *Murray* was prevailed on to undertake this diſagreeable Office.

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The Poll was ſcarcely opened on *Friday* when the Place appeared ſurrounded by this formidable Militia, who, brandiſhing their Bludgeons, proclaim'd War againſt all who were not in the Intereſt of their *Paymaſter:* But upon Mr. *Murray*'s Expoſtulations they retir'd to the Houſe of one *Boſwell* (Chairman to the Ducheſs of *B ——— d)* where being re-animated by a freſh ſupply of Gin and Promiſes, they valiantly returned to their Poſts, and immediately begun to put the Enemy under *military Execution.* Mr. *Murray* then apply'd to the Bailiff, who ordered the High Conſtable and his Poſſee to ſeize them, which was accordingly executed, and Nineteen ſecured in the adjacent Round-houſe; among whom was the *Champion Boſwell* himſelf.—Though the Confeſſion of ſeveral during their Confinement was taken in Writing, by which it appear'd that they were hired for Half a Crown per Day by *Boſwell* and a *certain Painter* in *New Bond Street,* to create a Diſturbance, and interrupt the Voters for Sir *George*; *yet when carried before a neighbouring Juſtice, that excellent Magiſtrate from his tender Regard for the Liberty of the Subject, (of which he has ever been ſo zealous an Aſſerter) thought proper to diſcharge them; but, by a nice Refinement in the Adminiſtration of Juſtice, committed a Perſon, who had almoſt been murdered by them,*

to Newgate, *only for a little too eager Impatience in preferring his Complaint.*

Nevertheleſs Sir *Thomas Clarges* and *John Upton* Eſq; *untrading* Magiſtrates, having Reſolution enough to commit two of the moſt abandoned of this vagabond Crew to the *Gatehouſe*, it was deem'd ſo atrocious a Breach of their Duty and Office, as to rouze the Indignation of the *d--l Faction*; who once more had Recourſe to the *King's Bench Ammunition*, which, in the Shape of Informations and Actions, was plentifully diſcharged upon the *Juſtices*, *Conſtables* and Mr. *Murray*; but to the eternal Diſgrace and Diſappointment of the Proſecutors, the *Jury* by their Verdict approv'd themſelves Men, whoſe Integrity was not to be corrupted, or whoſe Judgment biaſs'd; *and who expreſs'd ſuch an honeſt Deteſtation at the Villany of the Proceedings, that they refuſed the uſual Compliment for their Attendance.*

Mr. *Murray* being this ſecond Time deliver'd from their *legal Toils*, what could not be effected by Law it was determined, ſhould be carried into Execution by *Power*, and ſince Juries could not be prevailed on to gratify their Malice, another *Set of Men* muſt be made the Tools of their Oppreſſion; accordingly Evidence is made, bought, and by every other Method obtain'd, when after ſix or ſeven Months infamous Traffic ofthis ſort he

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is brought before a Judicature, who by the Conſtitution could have no Cognizance of the *Cauſe*, and whoſe *Wiſdom*, *Juſtice*, *Moderation* and *Candour*, the following impartial State of the Caſe it is apprehended will ſufficiently demonſtrate.

The Inhabitants of *Weſtminſter*, alarmed at the unconſtitutional Proceedings carried on during the late Election, and exaſperated to find a Repreſentative impoſed on them by the dictatorial Authority of one *Man* in Oppoſition to a *ſcruti-niz'd Majority*, had Recourſe to the HOUSE OF COMMONS, flattering themſelves that *Auguſt* Aſſembly would vindicate their invaded Rights and Liberties, nor ſuffer the Invaders to eſcape with Impunity; accordingly a Petition was preſented complaining of a *falſe Return*.—The *d---l* Faction, conſcious of their illegal Practices, and apprehending a Detection of them would inevitably be the Conſequence of a *free* Enquiry into the Merits of the Election, determined at all Events to put a Stop to the Proſecution of it, and, in order to ſtrike the Petitioners with Terror, prevail'd on their truſty Friend the High-Bailiff to aſſume the laudable Character of Informer, and complain of ſome high *Crimes* and *Miſdemeanors* committed againſt his *ſacred* Perſon; but the more effectually to anſwer the Purpoſe, took eſpecial Care that the Objects of this Complaint ſhould be ſome *principal Witneſſes* in ſupport of

the Petition. However as the Accuſation againſt the High-Bailiff was *antecedent* to his Complaint, it was thought, in Point of Regularity and Juſtice, that the Conſideration of the *latter* ſhould be poſtponed till the Determination of the *former*; more particularly as the Offences alledged to have been committed againſt this Magiſtrate, muſt neceſſarily appear upon hearing the Merits of the Petition. This having produc'd a Debate, and the S——r being call'd upon to give his Opinion in Point of Form and Order, he declar'd, That "*To begin by Enquiry into the Com-*" *plaint of the High-Bailiff was not only contrary to* " *the Order and Method of Proceeding in that Houſe,* " *but of every other Court of Juſtice, and inconſiſtent* " *with Juſtice itſelf.*" Though theſe Reaſons might have ſome Prevalence with Part of the Houſe, nevertheleſs a Majority determined, that the High Bailiff's Complaint ſhould be *firſt heard*, which if not ſufficient to terrify the Petitioners from their Purſuit of Juſtice, would at leaſt produce the convenient Effect (to ſpeak in the Phraſe of an inferior Court) *of ſinking ſome material Evidence.* Thus by a kind of *parliamentary Legerdemain* the *Accuſed* became the *Accuſer*, and the *Witneſs* had the Mortification to find himſelf conjur'd into the Place of the *Culprit.*

This equitable Determination brought Mr. *Murray* to the Bar; where, in ſupport of the grievous Charge exhibited againſt him by the High-

High-Bailiff, the following Witneſſes were produc'd; and firſt Mr. *Baldwin* (Deputy Bailiff) and his Son appeared, who declared,

" *That Mr.* Murray *came to their Houſe, and* " *ſaid, that he was reſolved the High-Bailiff* " *ſhould not ſmuggle an Election; and that he* " *and a Thouſand more had ſwore he ſhould* " *make the Declaration in the Middle of* Co- " vent-Garden."

The Truth of the former Part of this Accuſation Mr. *Murray* was ingenuous enough to confeſs, —— and indeed if this Species of *parliamentary Smuggling* was found neceſſary to be encouraged for any private Reaſons of *State*, no wonder an actual Attempt to prevent it ſhould be deemed culpable by thoſe at the Helm:——but as in our Days this cannot even be ſuppoſed, ſurely the *meer Saying* a Man *ſhould not do* what he *ought not to do*, is a Crime of ſuch a Nature, to which no Legiſlators have even yet thought proper of annexing a Penalty.

With reſpect to the other Part, Mr. *Gaſcoigne* and Mr. *Carne* the High-Conſtable, Gentlemen intirely diſintereſted, teſtify'd, that they were preſent, and heard the former Words, yet they never *heard the latter* Expreſſion; and what afforded the ſtrongeſt preſumptive Evidence againſt ſuch a De-

Declaration, was, that it evidently appeared no ſuch Purpoſe was ever intended to be executed, or how eaſy would it have been for Mr. *Murray*, with his thouſand Volunteers, to have ſecured the Perſon of this Magiſtrate, when he met him going to the Huſtings unſupported by a ſingle Peace-Officer or any other Attendant. But in order to turn the Scale entirely in Favour of Mr. *Murray*'s Innocence, the High-Bailiff himſelf was candid enough to acknowlege at the Bar—that meeting Mr. *Murray* in his Way from *Baldwin*'s to the Huſtings, upon being aſked the Queſtion, he did then declare, " *That no Man could behave with* " *more good Manners towards him than Mr.* Mur- " ray."

Behold the next Witneſs coming forth in the Character of a Journeyman *Button-trimmer*, and declaring,

" *That he ſaw Mr.* Murray *at the Head of a* " *great Mob, who meeting a Chimney-ſweep-* " *er, aſk'd him who he was for?—The Chim-* " *ney-ſweeper anſwering, for Sir* George,— " *Mr.* Murray *reply'd—Then you are an ho-* " *neſt Fellow, but Lord* Trentham *and the* " *High-Bailiff are two great Villains*, or *two* " *great damn'd Villains and Raſcals.*"

What delectable Dialogue! —— Evidence how ſuited to the Solemnity of a ſenatorial Enquiry!—

Muſt

Muſt not the People entertain the higheſt Opinion of their legiſlative Deputies, when they ſee them ſeriouſly attending, *auribus erectis*, to ſuch important Diſcoveries ? —— But unluckily, had this heinous Article of Accuſation the Sanction of Truth to enforce it, what Matter does it afford for the Cognizance of this Judicature ? Eſpecially, as it is allow'd to have paſs'd long after the Declaration was made ? Perſuaded I am, had the *noble Lord* himſelf given the leaſt Credit to it, his punctilious Delicacy in *Point of Honour* would have expected a perſonal Explanation from the Author of ſo ſcandalous an Indignity ; nor is it to be imagined, a Perſon who ſo valiantly manifeſted his Heroiſm in a late *French Affair*, would meanly buckle on the Armour of Privilege ; and adopt a *public Perſecution* in the Place of a *private Reſentment*.

The next Authority produced was that of a Tripeman, who

" *Paſſing along* Henrietta-ſtreet *at the ſame*
" *Time the High-Bailiff was going to the*
" Croſs-Keys, *heard ſomebody behind him*
" *ſay, is there No-body will knock the Dog's*
" *Brains out; when clapping the High Bailiff's*
" *Footman on the Shoulder he told him, That*
" *is he who utter'd thoſe terrible Words, and*
" *then*

" *then the Footman informed him that Perſon's*
" *Name was* Murray."

What a *Janus-headed* Witneſs is here! who from hearing Words utter'd *behind* him in a Crowd, could identify the Perſon who ſpoke them? Did his Ears furniſh him with the Knowlege of the perſonal Figure of Mr. *Murray*, whom he does not pretend to know before the Footman's Information? Or what kind of Inſpiration enabled him to diſcover, that the *particular Dog's Brains* meant by this Exclamation belonged to the *High Bailiff?* But were it poſſible to pay any regard to ſuch inconſiſtent Evidence, ſtill the Commiſſion of this horrid Offence muſt have been at leaſt two Hours after all Buſineſs relating to the *Sanctum Sanctorum* of St. *Stephen*'s Chapel was finiſh'd; conſequently ſubject to the Notice of ſome leſs ſacred Tribunal.

However ridiculous the Matter contained in theſe two laſt Articles of Impeachment may appear, it cannot be deny'd, but that it muſt have receiv'd a very notable Weight of Authority from the *eminent Characters* of the Witneſſes, who from their Situation in Life, muſt be concluded to have Underſtandings not to be impoſed upon, and Principles of Honour not to be violated. What then will it avail the Cauſe of Mr. *Murray* with the *Public*, any more than with the

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Senate, to oppoſe the unqueſtionable Teſtimony of our *Button-trimmer*, and *Tripeman*, with that of a *noble Lord*, an *honourable Baronet* and a *worthy Barriſter?* Nevertheleſs as the ſame *convincing Motives* of Condemnation may not poſſibly influence the Verdict *without Doors*, I ſhall take the Liberty to produce the Authority of Lord *Carpenter*, who was pleas'd to declare at the Bar, that his Lordſhip and Mr. *Murray* were together from the Time the Declaration was made till Dinner; that they were in *Bedford-ſtreet*, where this great Mob was by the *Button-trimmer* ſaid to be aſſembled, but never heard Mr. *Murray* ſay any Thing ſcurrilous of Lord *Trentham* to a *Chimney-ſweeper*, or any other Perſon whatever. His Lordſhip farther ſaid, that he was arm-in-arm with Mr. *Murray*, when the High-Bailiff paſſed cloſe by them through the Church-yard to the *Croſs-Keys*, (which was near two Hours after the Declaration) but that he never heard Mr. *Murray* utter the Exclamation laid to his Charge by the *Tripeman*; and that if he had made uſe of any ſuch Expreſſions, apprehended they could not have paſſed *unnoticed* by him; that ſo far from inciting the People to knock the High-Bailiff's Brains out, his Lordſhip declared, Mr. *Murray* adviſed them " *To leave him to the Remorſe of his* " *own Conſcience; aſſuring them, that would be a more* " *ſevere Puniſhment than any they could inflict.*"

Sir *John Tyrrell* and Mr. *Gaſcoigne*, who were likewiſe cloſe by Lord *Carpenter* and Mr. *Murray*

when the High-Bailiff paſſed from the Church to the Tavern, were call'd to corroborate this Evidence; which in an Aſſembly where moſt of its Members were ſo well acquainted with his Lordſhip's Veracity and Honour, may ſeem an Act of Supererogation. In the Courſe of this Examination, Lord *Carpenter* having ſaid, that he and Mr. *Murray* were together *all the Time*, from the Declaration till Dinner, and Sir *John Tyrrell* being aſk'd if his Lordſhip was with Mr. *Murray* when he *firſt* ſaw him, and anſwering he believed not, one of the Members (remarkable for his inſuperable Modeſty) exulted on his Sagacity, in having, as he imagined, diſcovered a notorious Contradiction in the Evidence; but when it is conſidered, that Sir *John Tyrrell* never ſaw Lord *Carpenter* till that Day, it will require no great ſtretch of Credulity to believe, that Sir *John* might talk a Minute or two with Mr. *Murray* in a *Crowd*, without particularly remarking a Perſon who was with him, and who at that Time was an *abſolute Stranger* to him. Lo! from this Mountain of Contradiction, *ridiculus mus naſcitur*; which however was ſcandalouſly urged as ſufficient to invalidate the Teſtimony of two ſuch honourable Perſons! To what pitiful Shifts muſt this Faction be reduced, when obliged to have Recourſe to a Quibble, the moſt contemptible legal Pettyfogger would bluſh to be guilty of?

The Reaſon of Lord *Carpenter*'s and Mr. *Murray*'s ſtaying ſo long was, to uſe their Endeavours

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to prevent any Inſult being offer'd to the High-Bailiff, not perhaps out of any regard to the *extraordinary Merits* of that worthy Gentleman; but being ſenſible that they ſhould be made the Victims to expiate any *unlucky Accident that might happen*; and that this Apprehenſion was not ill-grounded, evidently appears from the *Fate* of Mr. *Murray*, even when *no Accident happen'd at all.*

Now appears the celebrated Mr. *Pond*, who is to give the *Coup de Grace.*—Hear him then alarm the Houſe by declaring,

> " *That he heard Mr.* Murray *ſay in the* Mount
> " Coffee-houſe *ſome Days after the Declara-*
> " *tion was made, that if his Advice had been*
> " *taken, and the Rails of the Portico cut*
> " *down, the High-Bailiff durſt not have re-*
> " *turned Lord* Trentham."

Heavy Charge! Nor can the Truth of it admit of any Diſpute, when authenticated by the Declaration of ſo worthy a Perſon, honoured with the Confidence of the *higheſt-born Gamblers*; and conſtantly employ'd by them, in the commendable Quality of Bet-Broker; nay, who during the Time of the Election, is ſaid to have very induſtrouſly exerciſed his Profeſſion, by laying conſiderable Sums for the *noble Candidate* himſelf on the Event of his Return. But how atrocious the Matter contain'd in this Accuſation, to ſuppoſe (ſo long after) that *to have happen'd* which *did not happen*, certainly juſtifies the Extremity of Puniſh-

niſhment, as the *Suppoſition* of a Fact is doubtleſs more criminal than the *Execution* of it. Had the Iron Rails been cut down, what ought to have been the Conſequence? Mr. *Murray* ought to have been puniſhed. But the Iron Rails were not cut down;---what is the Conſequence? Mr. *Murray* is puniſhed. Excellent reaſoning! righteous Determination! Could the bare Intimation that he was the Adviſer of ſuch a curious Stratagem be ſufficient to condemn him, when it does not appear that he ever actually gave this Advice to any Perſon whatever, or that the leaſt Attempt was made in Conſequence of it? Who knows not, that an *overt Act* is requir'd to the Conviction of a Perſon for *High Treaſon* againſt the King himſelf; yet, behold no ſuch legal Nicety is thought neceſſary to conſtitute a *Læſa Majeſtas* againſt the *honourable Houſe*.

It is obſervable throughout the whole Courſe of the Evidence, that not ſo much as any one Act whatever is pretended to have been committed by Mr. *Murray*, not even any oral Offence (except that at *Baldwin*'s with which the High-Bailiff was not, 'till long after, acquainted) which was not ſubſequent to the Declaration. How then could the Returning-Officer produce it in ſupport of a Charge, founded on *delaying the Election, by obſtructing him in the Execution of his Office?* Did he cunningly diſcover Obſtructions after the Completion of his Duty, which he was not ſenſible of, during the Exerciſe of it? Or by what kind

of

of Logic does it follow, that the *treaſonable Words* againſt the noble Lord's Honour, the *terrifying Exclamation* againſt the *High-Bailiff's Brains*, or the *Coffee-houſe Suppoſition* concerning the *Rails*, could occaſion this criminal *Delay in the Election*, when all muſt have happened long after the ARBITRARY FIAT had paſſed the hallowed Lips of one MEMBER-MAKING MAGISTRATE?

Such is the Charge and *ſuch* is the Proof of it, that induced the Protectors of *Britiſh Liberty* to condemn a *Britiſh Subject* to *cloſe* Confinement in a lothſome Priſon, appropriated for the Reception of Thieves and Murderers, with every other Species of the meaneſt, and moſt profligate, Offenders. But even this ſevere Exertion of Power was deemed too favourable and muſt be embittered by the additional Cruelty of ſome ſtill more mortifying Circumſtances. Mr. *Murray* muſt receive this hard Sentence upon his Knees. Tho' his Reſolution might enable him to ſupport the former part of the Judgment, his Spirit would by no means ſuffer him to pay a ſlaviſh Submiſſion to the latter; for had this reverential Token of Submiſſion been made the *Price* of his *Acquital*, he ſhould have thought the Penalty at leaſt equalled the Degree of his Guilt; much leſs could he think of making ſo humble an Acknowlegement for ſo extraordinary a Condemnation. However this Refuſal being held a high Inſult on the Dignity of the Houſe, a freſh Article of Pains

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and Penalties was invented, and the Uſe of *Pen, Ink*, and *Paper* prohibited; which, tho' in Caſes of Conſpiracy and Treaſon, had been practiſed by way of *Precaution*, was ſeldom known to have been inflicted by way of *Puniſhment*.

The *d--l Faction*, finding the Vengeance they had procured, far from being juſtified by the Senſe of the Public, induſtriouſly endeavoured to propagate an *erroneous Belief* that the *Severity* proceeded meerly from Mr. *Murray*'s *Obſtinacy*, when on the Face of the Proceedings, it appears, that every Part of this tremendous Sentence (except what relates to Pen, Ink, and Paper) was reſolved two Hours, before it could poſſibly be known, that Mr. *Murray* would be guilty of ſo ſacrilegious a Contumacy, as to refuſe KNEE-WORSHIP to the aſſumed Divinity of his Judges.

While Mr. *Murray* (in Cuſtody of a Meſſenger) waited the Determination of the Houſe, ſome Friends came to him, and with a generous Concern, acquainted him with the former Part of his Judgment: And tho' he might poſſibly entertain ſome Reliance on the Equity of thoſe, who were choſen by the People to defend their Liberties and Properties; yet he was the leſs ſurprized, having been informed, that his Fate was determined ſome Weeks before at WHITE'S; where very large Sums had been laid upon his Commitment, and was adviſed to fly his Country, in order to evade the Fury of theſe *ſporting Legiſlators*, who it was apprehended might not pay the moſt conſcientious

ſcientious Regard to their public Truſt, when placed in Competition with their private Advantage.

With what Indignation muſt this Sentence inſpire every Reader, who has imbibed the leaſt Spark of public Spirit! And how much more will he be alarmed, when acquainted with the *rancorous* Execution of it? Let us then attend this injured Gentleman to his Dungeon, at which arriving about Four o'Clock in the Morning, the ſixth Day of *February*, notwithſtanding he had been ill for ſeveral Days before, he was conducted into a Room, the Windows of which were ſhattered and the Walls plentifully bedewed with Moiſture, proceeding from the unwholſome Situation of the Place, and not having had an unhappy Tenant in it during ſome Years. Theſe unſalutary Circumſtances ſoon encreaſed his Indiſpoſition, and the third Day brought on a violent Fever. Mr. *Murray* ſent the Perſon who looks after the Convicts (and was likewiſe the only Attendant allowed) to procure him the Aſſiſtance of an Apothecary or Surgeon; but this Benefit, which was never refuſed the moſt flagitious Offender, was not to be indulged him. Mr. *Akerman* pleaded the peremptory Orders he had received from the Houſe in Excuſe of his Refuſal; but as he is poſſeſſed of an uncommon Humanity in his Profeſſion, he went the next Day to *Weſtminſter*, and acquainted ſome of Mr. *Murray*'s Friends with his Illneſs. Mr. *Cooke*, whoſe Benevolence

volence to Mankind in general is ſo conſpicuous, affected with a friendly Regard of Mr. *Murray*'s Sufferings, generouſly moved, that he might be attended by his Phyſician and Apothecary: Mr. *Murray*'s own Phyſician was admitted, and his Viſit proved ſo very critical, that had it been delayed but a few Hours, it is thought, he muſt have expired; but why his *own Apothecary was prohibited*, the Authors of his Perſecution can beſt explain.

Mr. *Murray*'s Brother (Lord *Elibank)* and his Siſter, being greatly alarmed by the Report of Doctor *Lamont*, made Application for Permiſſion to ſee him; when the Lady, perceiving that the Extremity of his Illneſs rendered the Attendance of a Nurſe abſolutely nceceſſary, prevailed on Mr. *Cooke* once more to move the Houſe for this additional Indulgence; and that one of Mr. *Murray*'s own Servants might likewiſe be allowed to attend him.

The Skill of the Phyſician having in about eight Days gained the Aſcendant of the Fever, no ſooner were the *Commons* apprized of it, but Doctor *Lamont* was ordered to the Bar, where in Anſwer to many learned Phyſical Interrogatories, he candidly informed them that the Fever being ſubdued, he apprehended Mr. *Murray* was in no immediate Danger; but added, that as for ſome Years he had been obliged to ride for his Health, he feared, if his Confinement in ſo unwholeſome a Place was of long Dura-

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tion, he could not *poſſibly live.* This Declaration only produced a freſh *Mandamus* to the Keeper, that no Perſons, except the Phyſician, Apothecary and Nurſe ſhould be admitted; by which merciful Order, Mr. *Murray* was at once deprived of the Conſolation of his Brother's and Siſter's Viſits, and the neceſſary Convenience of his Servants' Attendance.

A few Days brought a violent Return of Mr. *Murray*'s Illneſs, and as the Nurſe he then had (who was procured in a Hurry by the People belonging the Goal) was very incapable of her Duty, and whoſe Filth and Naſtineſs rendered her extremely offenſive, he requeſted Mr. *Akerman* would apply to his Siſter to procure him another; but was anſwered he could have no other.---In vain were his Remonſtances, that her Infirmities made her of no Service to him; the invariable Decree could not be altered. However it would be Injuſtice to the *Keeper* not to declare, that nothing but the Dread of the Houſe's Vengeance, and the private Inſtructions he had received, could have determined him to ſo punctilious an Obſervance of their Order; the Conſequence of which was, that, in a raging Fever with a Bliſter on his Head, Mr. *Murray* was frequently obliged to leave his Bed, in order to procure the Neceſſaries he wanted. Ten Weeks did Mr. *Murray* ſupport this rigorous Treatment, debarred the Sight of any Face he had ever ſeen before, except that of his Doctor's, while (tho' in this Condition) treble Doors were thought neceſ-

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ſary to ſecure him, the numerous Locks and Bolts of which furniſhed a Sound, not much leſs entertaining than would have ſeemed that of his Paſſing-Bell.

About the middle of *April*, Mr. *Murray* was again ſeized in ſuch a Manner that his Attendant, or rather Guardian, who had been tried for his Life, and whoſe Employment conſiſted in locking up the Convicts in their Cells, (an Occupation not very apt to inſpire the tendereſt Sentiments) yet, ſay, even this very Fellow was ſo melted with Pity and Compaſſion to behold Mr. *Murray*'s Agonies, occaſioned by an Inflamation in his Bowels, that he would not ſtir from him that Night. Lord *Elibank* calling next Morning to enquire after his Brother's Health, our *Preſs-yard* Valet expreſſed his Apprehenſions that he could not live; but being informed the Doctor had been there as ſoon as the Priſon Gates were opened, his Lordſhip immediately went to him, and requeſted he would acquaint the *Houſe* with his Brother's imminent Danger.

Upon Dr. *Lamont*'s Repreſentation, Mr. *Palmer*, Deputy Serjeant, attended by a Meſſenger, came to *Newgate* in the Evening with an Order to move Mr. *Murray* directly. At their Entrance they found him upon the Bed, and the Sheets which had been ſoaked thro' reeking at the Fire. Mr. *Murray* enquired of Mr. *Palmer* the Reaſon of ſo ſudden a Reſolution? Who replied, it was owing to the Phyſician's Information of his Danger, and that the

the Houſe, from it's wonted Humanity, had ordered him to be carried to a Meſſenger's. And ſurely, removing a Perſon from *Newgate* to *Weſtminſter*, with an Inflamation in his Bowels, and in a high Fever, muſt be allowed a very *extraordinary Act of Humanity!* However, the Force of Mr. *Palmer*'s Rhetoric was not ſufficient to prevail on Mr. *Murray* to be of that Opinion; who abſolutely refuſed to accept of this *unmerciful Mercy*; tho' there is Reaſon to believe his Refuſal would have availed him little, had not his Phyſician, who chanc'd to be preſent, declar'd his Opinion, that a Removal would be attended with certain Death. This Authority juſtified Mr. *Palmer* for not putting his Warrant in Execution, and upon Mr. *Murray*'s aſking him what the *Houſe* intended to do with him at the Meſſenger's, he anſwered, To confine him there till his Recovery; but that No-body was to be admitted to him; and if he did not then make his Submiſſion upon his Knees, he would be remanded back to *Newgate*. As the ten Weeks ſevere Sufferings had not been able to convince Mr. *Murray* of the Heinouſneſs of his Offence, he reply'd, that he would not conſent to it upon ſuch Terms; and that he would rather die ten thouſand Deaths than violate his Conſcience by a Confeſſion of Guilt, and, by a ſcandalous Submiſſion, give a Sanction to Proceedings ſo manifeſtly founded in Oppreſſion and Injuſtice. Upon this Mr. *Palmer* took his Leave, and promis'd he would return next Day at Four in the Af-

ternon; but disturbed Mr. *Murray* in the Morning before Nine, and asking him what he propos'd to do, he answered, that he thought the Difference very immaterial between remaining where he was, and being remov'd to a Messenger's only till his Recovery; to which Mr. *Palmer* assented, and said, more especially as he was to be confined where *Iron-Bars secured the Windows*. He then pressed Mr. *Murray* to send a Message to the House, which he declined; therefore if any thing of that kind appeared, Mr. *Palmer* alone is answerable for it.

Nevertheless Mr. *Murray* would be very deficient in point of Gratitude, were he not to acknowlege his Obligations to that Gentleman, for ordering the Keeper to admit his Sister and a Nurse capable of her Office, which 'till then he had not, excepting three Days of his first Illness: For altho' the Lady had frequently submitted to the meanest Disguises, in order to gain Access; yet, so rigorously were the Orders executed, that no social Alleviation of his Confinement was to be obtained.

Let us next behold this Gentleman appealing from the Violence of *Power* to the Protection of *Law*, and claiming the Benefit of that *sacred Act*, which, however it may sometimes have been suspended for the public Safety, has scarce ever been violated on private Occasions. Mr. *Murray* having determined to apply for his *Habeas Corpus*, Council was first to be procur'd; but, who would imagine, that amongst the Swarm of LEGAL ORATORS, not

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one of any Eminence was to be found, who had Reſolution enough to engage in the Cauſe of ſo *obnoxious a Client*: The *Britiſh In---n* had ſtruck ſuch a Panic throughout the Regions of *Law* and *Juſtice*, that even the *all-powerful Fee* was unable to ſubdue the Timidity of the *mercenary* Profeſſors; but at the Requeſt of Lord *Elibank*, an *honourable Gentleman*, who had long abandoned the Buſineſs of the Bar, ſtood forth, and, glorioufly deſpiſing any Penalty he might incur for vindicating the invaded Laws and Conſtitution of his Country, moved the Court of *King's-Bench*, that Mr. *Murray* might be brought up and admitted to Bail. It would be needleſs to obſerve with what a glowing Spirit of *Britiſh* Freedom, and convincing Power of Argument, this Motion was made when the Reader is informed that Sir *John Phillips* was the Advocate.

Though by this Application, Mr. *Murray* was reſcued for a few Hours from his Confinement, it was only to hear the *puiſne Judges* of that Court pronounce the mortifying Sentence of his Return to his Dungeon, founded upon this Principle of Law, that the *Houſe of Commons* was a *ſuperior Court of Judicature* to the *King's-Bench*. Had the Conſtitution complimented that Houſe with ſuch executive Authority, it would certainly have been empowered to *examine upon Oath*, a Circumſtance abſolutely neceſſary in the Adminiſtration of Juſtice. What then is become of this boaſted Barrier of *Britiſh* Liberty, the HABEAS CORPUS ACT? What ſhall

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diſtinguiſh *Britons* from thoſe who groan under the moſt arbitrary Governments, if ſubject to the like tyrannical Acts of Oppreſſion? And what ſhall defend a free People from theſe, whenever their *Repreſentatives* ſhall think fit to conſtitute themſelves their *Judges*, and wantonly inflict the ſevereſt Pains and Penalties by virtue of their meer *Will* and *Pleaſure*. More eſpecially, as from this *awful Tribunal* no Appeal is to be permitted, except to that only *ſuperior One of Heaven*; and indeed who knows but even this might be tortured into a high Breach of Privilege, as arraigning the *Omnipotence* of their *terreſtrial Juriſdiction*.

As no Puniſhment was thought ſufficient for Mr. *Murray*'s Guilt, ſo it was to find no Period, but in the Prorogation of that Power which inflicted it. At length the Day of Delivery approach'd, when the inexorable Gates were to open him a grateful Paſſage to the Arms of his Relations and Friends, after being near five Months debar'd the Enjoyment of the two principal Bleſſings of Life, *Liberty* and a *ſocial Converſe* with his fellow Creatures; and having experienced the Effects of a Sentence little leſs eligible than Death itſelf. Accordingly on the 25th Day of *June*, his Majeſty put an End to the Seſſions of Parliament, and of Conſequence to Mr. *Murray*'s Impriſonment.

If there lives any one ſo abandoned to a Love of *Slavery* as to remain unmoved by this *Narrative*, I ſhall leave him in Poſſeſſion of his *Chains*,

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and think them the moſt *ſuitable Ornaments* for ſo degenerate a Member of a free Country. But ſatisfy'd I am, every *uncorrupted Briton* will be rous'd at a Scene much more becoming the *Meridian* of an oriental Tyranny than the Region of *Britiſh* Liberty; and though the Injury done a *private Subject* of the Community ſhould make little Impreſſion; yet, ſurely the Wound which the *Conſtitution itſelf* has receiv'd through him, muſt awake the moſt alarming Apprehenſions. What has been the Fate of *One* may prove that of *Thouſands*; eſpecially when it is conſidered, that the Stateſman is no leſs apt to quote the Authority of *Precedent* than the Lawyer? Who then, at any future Election, ſhall be hardy enough to exerciſe the Rights of a *free Elector*, when even an Approach to the Huſtings, without a *miniſterial Paſſport*, has been deemed ſo criminal? Who, hereafter, but muſt tamely acquieſce in the *authoritative Deciſion* of a Returning-Officer, when a regular Impeachment of it, is held to be ſuch a *parliamentary Profanation?* Theſe Eſſentials in their Creation once remov'd, muſt not a Houſe of Commons become rather a *Turkiſh Divan* than a *Britiſh Repreſentative?* And when this conſtitutional *Battery*, rais'd to defend the People from the Attacks of arbitrary Power, ſhall, by the Intrigues of a *State Engineer*, be once turn'd upon them, what remains but to ſurrender at Diſcretion? When *one Part* of the Legiſlature aſſumes a Privilege peculiar to *another*,

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or wrefts the Cognizance of Cauſes from *thoſe Courts* erected for the Determination of them, what Confuſion will not ariſe in the Syſtem of Government? And indeed what Security the People are to expect in ſuch an *Anarchy* of Adminiſtration, the Caſe of Mr. *Murray* too fatally evinces. Tho' the Law of the Land has provided, that every Subject ſhall be *tried by his Jury*, have we not ſeen a particular Power uniting the three inconſiſtent Capacities of *Judge*, *Jury* and *Proſecutor*? And tho' an expreſs Proviſion has been made againſt *exceſſive Pains and Penalties*, have not the moſt ſevere been inflicted even for no Offence? But to conclude in the Words of a *noble Author*:

" This could not happen if there was the leaſt " Spirit among us; but there is none. The Mode- " ration we have ſeen practis'd is Puſillanimity! " Hence it comes that Corruption has ſpread and " prevails. Conſider then you owe to your Coun- " try, to your Honour, to your Security, to the " preſent and future Ages, that no Endeavours of " yours be wanting to repair the Breach that is made " and is encreaſing daily in the Conſtitution, and " to ſhut up, with all the Bars and Bolts of Laws, the " principal Entries thro' which theſe Torrents of " Corruption (and Oppreſſion) have been let in " upon us."

FINIS.